

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAWMAN ARMOR CORPORATION,	:	
	:	
Plaintiff,	:	Case No. 2:02-CV-04595-RK
	:	
v.	:	Judge Robert Kelly
	:	
WINNER INTERNATIONAL, LLC,	:	
	:	
Defendant.	:	
	:	

**DECLARATION OF GARY M. CLIFFORD**

Being duly sworn, I, Gary M. Clifford, hereby state as follows:

1. I am employed by the firm of Fay, Sharpe, Fagan, Minnich & McKee, LLP, located at 1100 Superior Avenue, Seventh Floor, Cleveland, Ohio 44114-2518, which represents the defendant in the captioned action (hereinafter referred to as "Winner").
2. I am providing this declaration at the request of Winner's attorneys to provide certain information to the Court in support of Winner's motion for summary judgment of non-infringement.
3. On or about September 11, 2002, Winner's attorneys gave me what they represented to be the then-current version of Winner's Double Hooks anti-theft product (hereinafter referred to as the "current Double Hooks product") sealed in clear plastic packaging. I took digital photographs of this product within its packaging and then removed the product from the packaging and took digital photographs of the product's sliding hook member in various poses corresponding approximately to the views presented in U.S. Patent No. Des. 357,621.

4. Attached as Exhibit A to this declaration are photographs taken by me of the current Double Hooks product in its packaging.

5. Attached as Exhibit B to this declaration are photographs taken by me of the sliding hook member of the current Double Hooks product.

6. On or about September 18, 2002, Winner's attorneys gave me what they represented to be an earlier version of Winner's Double Hooks anti-theft product (hereinafter referred to as the "original Double Hooks product") sealed in clear plastic packaging. I took digital photographs of this product within its packaging and then removed the product from the packaging and took digital photographs of the product's sliding hook member in various poses corresponding approximately to the views presented in U.S. Patent No. Des. 357,621.

7. Attached as Exhibit C to this declaration are photographs taken by me of the original Double Hooks product in its packaging.

8. Attached as Exhibit D to this declaration are photographs taken by me of the sliding hook member of the original Double Hooks product.

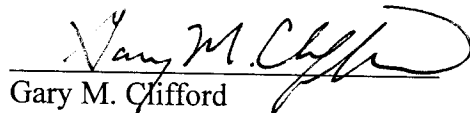
9. On or about July 8, 2003, Winner's attorneys gave me what they represented to be the component parts of the sliding hook member for the current Double Hooks product. These parts consisted of a straight metal rod with a grooved section and a metal member that appears to have been formed from a metal rod into a complex curved shape. The curved metal member appeared to be generally symmetrical, with a curved central section that connected on either side to a pair of hook sections. I understand that the curved central section is called an "overlay segment" in Winner's memorandum in support of the summary judgment motion. I took digital photographs of the two components separated from one another. I also took digital photographs of the two components in contact with each other in an orientation specified by Winner's

attorneys. In this specified orientation, the center of the overlay segment of the curved component was to contact the grooved rod component at the end of the rod that was most distant from the grooves, and a plane passing through the overlay segment was to be parallel to the centerline of the rod.

10. Attached as Exhibit E to this declaration is a photograph taken by me of the two components separated from each other.

11. Attached as Exhibits F-H to this declaration are photographs taken by me of the two components of the sliding hook member positioned in the specified orientation described in paragraph 9 of this declaration. Exhibit F is an end-view photograph taken approximately along the centerline of the rod component from the end where the curved component contacted the rod. Exhibit G is a top-view photograph taken along a line approximately perpendicular to the plane passing through the overlay segment of the curved component. Exhibit H is a side-view photograph taken along a line approximately in the plane of the overlay member and perpendicular to the rod component.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Declaration was executed by me on August 6, 2003, at Cleveland, Ohio.

  
Gary M. Clifford